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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MIGUEL V. PRO AND DAVIS
LANDSCAPE, LTD.,

Plaintiffs,

v.

HERTZ EQUIPMENT RENTAL
CORPORATION,

Defendant.

Case No. 2:06-CV-3830 (DMC)(MF)

CIVIL ACTION

**NOTICE OF MOTION
FOR SUMMARY JUDGMENT
ORAL ARGUMENT REQUESTED**

**MOTION DATE:
JULY 7, 2008**

TO ALL COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on July 7, 2008 at 10:00 am, Defendant Hertz Equipment Rental Corporation (“HERC”) by and through its counsel Latham & Watkins LLP will move before the Honorable Dennis M. Cavanaugh, United States District Judge for the District of New Jersey at the United States Post Office Building & Courthouse, 1 Federal Square, Courtroom 4, Newark, New Jersey, 07101, for an Order (1) granting summary judgment against the Plaintiffs Miguel V. Pro and Davis Landscape, Ltd. pursuant to Federal Rule of Civil Procedure 56; and (2) awarding attorneys fees pursuant to N.J.S.A. § 12A:2A-108(4).

PLEASE TAKE FURTHER NOTICE that in support of its motion, counsel for HERC shall rely on the accompanying Memorandum of Law in

Support of Defendant's Motion for Summary Judgment, its Statement of Undisputed Facts Pursuant to L.Civ.R. 56.1, the Certification of Jason B. Lattimore, Esq., the Certification of Bessie Williams, the Certification of Louise Johnson, the Certification of Socrates DeLeon, the Certification of Fred Daniels, the Certification of Susan Pinera, the Certification of Robert E. Kelly, the Declaration of Michael Fife, the Declaration of Ralph Swackhammer, the Affidavit of Jesse Miller, the Proposed Form of Order, as well as all the pleadings, prior proceedings and other documents filed with the Court in this matter.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

Respectfully submitted,

LATHAM & WATKINS LLP

By s/ Jason B. Lattimore
Jason B. Lattimore
Attorneys for Defendant
Hertz Equipment Rental Corporation

Dated: June 2, 2008